



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,538	11/01/2005	Estevao Marino Espindola	04304/0202903-US0	6016
7278	7590	12/28/2009		
DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			EXAMINER TRAN, HANH VAN	
			ART UNIT 3637	PAPER NUMBER
			MAIL DATE 12/28/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/535,538	Applicant(s) ESPINDOLA ET AL.	
	Examiner HANH V. TRAN	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the First Office Action on the Merits from the examiner in charge of this application.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation in (1) claim 2 of "the connecting means (15) is mounted inside a respective housing (12) provided on the face of the cabinet (10) to which the hinge (40) is affixed" (please note that Fig 6 shows housing (12) spaced apart from hinge (40)); (2) claim 14 of the auxiliary cover (55) "removably fitted in the housing (12) away from the hinge (40) and which covers said housing (12) and the adjacent bores (18) of the cabinet (10), for mounting said door (20) upon the reversion of its opening direction" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

Art Unit: 3637

and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The abstract of the disclosure is objected to because it includes legal phraseology such as "comprising", "means". Correction is required. See MPEP § 608.01(b).

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

6. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction

Art Unit: 3637

of the following is required: the limitation in (1) claim 2 of “the connecting means (15) is mounted inside a respective housing (12) provided on the face of the cabinet (10) to which the hinge (40) is affixed” (please note that Fig 6 shows housing (12) spaced apart from hinge (40)); (2) claim 14 of the auxiliary cover (55) “removably fitted in the housing (12) away from the hinge (40) and which covers said housing (12) and the adjacent bores (18) of the cabinet (10), for mounting said door (20) upon the reversion of its opening direction”.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claim 1, (1) lines 7, the limitation “which is foreseen to receive” is vague, thus indefinite for failing to clearly define the metes and bounds of the term “foreseen”, (2) lines 14-15, the limitation of the inlet and outlet being in a coaxial position in relation “to that foreseen for mounting the hinge pin” is vague, thus indefinite for failing to clearly define the metes and bounds of the term “foreseen”.

10. Claim 4, “a pair of outlet (22b)” is indefinite for failing to clearly define whether they are the same or different from the outlet recited in claim 1.

11. Claim 9, “a tubular hinge pin” is indefinite for failing to clearly define whether it is the same or different from the outlet recited in claim 1.

Art Unit: 3637

12. Claim 10, "a tubular bushing" is indefinite for failing to clearly define whether it is the same or different from the outlet recited in claim 1.

13. Claim 13, "the adjacent housing" lacks antecedent basis, thus indefinite.

14. Claim 14, it is not clear what the scope of the claim is. Further "the adjacent bores" lacks antecedent basis, thus indefinite.

15. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Therefore, all claims will be examined as best understood or so far as definite.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Art Unit: 3637

18. Claims 1-3, 9-14, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 4,543,800 to Mawby et al in view of Great Britain 2,252,789 to Saeki et al.

Mawby et al discloses an electric supply system for a refrigerator comprising all the elements recited in the above listed claims including, such as shown in Fig 1, a cabinet, a door 14 having an electronic control means 14 and hingedly connected thereto at an edge of said door to said cabinet, a connecting means 32/33 mounted to each region of the cabinet, a hinge (Fig 5) provide with a tubular hinge pin 24, an auxiliary electric wiring 22 connecting the connecting means with an internal electric circuit, a duct 22 (Fig 2-3) provided in the door 14 and having an inlet (tapered portion shown in Fig 2-3) opened to the interior of the door and an outlet (end portion of the duct receiving the hinge pin 24) opened to the outside of the end edge of the door 14, in a coaxial position in relation to the mounting pin 24, a tubular bushing 25, an electric wiring 22 mounted through the duct 21 from its inlet to its outlet and through the hinge pin 24; wherein the tubular includes an end flange 25a, a finishing main cover 34, an auxiliary cover 35. The differences being that Mawby fails to clearly disclose two housings each located close to a respective side of the cabinet and housing a connecting means connected to the auxiliary electric wiring, the connecting means being mounted inside a respective housing provided on the face of the cabinet, the tubular busing having locking tabs having elastically deformable in its end flange 25a.

Saeki et al shows that it is well known in the art to provide a refrigerator cabinet with a housing 22 (Figs 9, 12-13) located close to a side of the cabinet and housing a

Art Unit: 3637

connecting means 21 connected to an auxiliary wiring, wherein the connecting means being mounted inside the housing 22 in order to provide a hinge device which is free from unsightly appearance and is excellent in term of design. Saeki et al further shows that it is well known in the art to provide two housings each located close to a respective side of the cabinet (such as shown in Fig 16.) Therefore, it would have been obvious to modify the structure of Mawby et al by providing two housings each located close to a respective side of the cabinet and housing a connecting means connected to the auxiliary electric wiring, the connecting means being mounted inside a respective housing provided on the face of the cabinet in order to provide a hinge device which is free from unsightly appearance and is excellent in term of design, as taught by Saeki et al , since both teach alternate conventional refrigerator cabinet structure, used for the same intended purpose, thereby providing structure as claimed.

In regard to the tubular busing having locking tabs having elastically deformable in its end flange 25a, the examiner respectfully takes the position that it is well known in the tubular busing art to provide a bushing end flange with locking tabs having elastically deformable in its end flange in order to snappingly engaging another element in order to securely hold the bushing in place.

Allowable Subject Matter

19. Claims 4-8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stichen et al, Pohl et al, Beatty et al, and Kobayashi et al all show structures similar to various elements of applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HANH V. TRAN whose telephone number is (571)272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J Allen Shriver can be reached on (571) 272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/535,538
Art Unit: 3637

Page 9

HVT
December 21, 2009

/Hanh V. Tran/
Primary Examiner, Art Unit 3637